

Appeal Decisions

Site visit made on 29 October 2025

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 January 2026

Appeal A Ref: APP/N1350/W/25/3370353

33 West Auckland Road, Darlington DL3 9EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Miss Anh Thi Ngoc Vo against the decision of Darlington Borough Council.
 - The application Ref is 25/00362/FUL.
 - The development is installation of 1no. external security roller shutter and installation of new shopfront.
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Appeal B Ref: APP/N1350/H/25/3370354

33 West Auckland Road, Darlington DL3 9EL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Miss Anh Thi Ngoc Vo against the decision of Darlington Borough Council.
 - The application Ref is 25/00364/ADV.
 - The advertisement is 1no. internally illuminated fascia sign and 1no. internally illuminated projecting sign to the front elevation.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. I have adopted the descriptions given to the appeal proposals as they are set out on the Council's decision notices as they more accurately and concisely describe what is proposed in each instance, albeit with the omission of the words 'retrospective application' as these are not acts of development or a description of the advertisements for which consent is sought. I am satisfied that in so doing neither main party would be disadvantaged.

Background and Main Issues

4. The applications were submitted jointly on one application form and split into two applications by the Council. As a consequence I have two appeals before me to determine, albeit that both relate to the same property. Appeal A seeks planning permission for the installation of a new shopfront and externally mounted security roller shutter. Appeal B relates to the display of an internally illuminated fascia sign and an internally illuminated projecting sign. All would be at the front of the appeal premises.

Appeal A

5. With regard to Appeal A, the main issues are the effects of the development upon:
 - The character and appearance of the appeal property and the surrounding area; and

- The accessibility of appeal property.

Appeal B

6. With regard to Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the National Planning Policy Framework (the Framework) and Planning Practice Guidance (the Guidance) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The reason for refusal refers to Policy DC1 of the Darlington Local Plan (the LP). The Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken the local plan policy into account insofar as it is material to matters of amenity, it has not been decisive in my consideration of this appeal.
7. The Council have not objected to the proposal on grounds of public safety, nor have I been presented with any further compelling evidence to lead me to reach an alternative conclusion on this matter. Having regard to the above therefore, the main issue in relation to Appeal B is the effect of the advertisement upon amenity.

Reasons

Appeal A

Character and appearance

8. The appeal property is a mid-terrace two storey property within a short parade of commercial premises on West Auckland Road. With the exception of a larger and more modern small supermarket building opposite, premises within the parade typically provide a mix of commercial uses at ground floor with residential above.
9. The ground floor commercial units on the same side of the road as the appeal property display a mix of shopfront styles, albeit that there are some broadly consistent features across most of the units. Entrance doors to the ground floor units tend to be positioned centrally and recessed within the shopfront and with low stallrisers and large glazed windows on either side of the entrance.
10. Those that still display more traditional shopfronts retain timber pilasters with console brackets and corbel detailing, shallow fascia panels and, most notably, distinctive transom bars with smaller glazed upper panels and fanlights above the doors. A photograph submitted with the application drawings show that the appeal property previously displayed many of these traditional features.
11. The appeal scheme retains the central doorway opening flanked by the large, glazed windows and low stallrisers. However, the doorway is now flush with the shopfront, thereby losing the heavily recessed entrance typical of the other, more traditional shopfronts within the parade. The roller shutter housing, mounted externally and projecting forward of the shopfront's façade, adds additional solidity to the increased depth of fascia to the extent that the upper elements of the shopfront dominate. The extra depth of the fascia and the shallower glazing, the latter of which comes at the expense of the pleasingly proportioned leaded top-lights, is further compounded by the thick door surround which adds to the resulting shopfront's somewhat heavy-handed visual appearance. Overall, the shopfront is incongruously and unnecessarily top-heavy.

12. Darlington Local Plan (DLP) Policy DC1 sets out the Council's approach to securing good design which, it states, is required to create attractive and desirable places. Principles of good design include that proposals reflect local character, and that detailed design responds positively to local context in terms of, amongst other factors, materials and architectural detailing. For the reasons set out above, the appeal scheme fails to respond positively to local context and character and the shopfront lacks the positive and distinctive features of other remaining traditional shopfronts within the parade, or indeed those features that were previously present within the appeal property's shopfront. The appeal scheme is contrary to the aims and provisions of DLP Policy DC1 as a consequence.
13. It has been stated that the installation of security shutters was a response to incidences of individuals looking through the previously clear glazing 'after hours' and was undertaken as a preventative measure. References have been made to persistent concerns regarding anti-social behaviour and crime in the area but it is not clear that these relate to anti-social behaviour or are particularly related to the appeal site and its immediate environs.
14. Further commentary with regard to security concerns was provided by the Council in the delegated officer report as a result of consultation at the application stage with Durham Constabulary. From the available evidence, anti-social behaviour incidents in the wider area around the appeal site are limited in number, low-key in their nature and not directly related to the appeal site or the concerns expressed by the appellant. It has not therefore been adequately demonstrated that instances of crime, or the fear of crime, are sufficient well-founded to justify the level of harm to character and appearance that otherwise arises from the appeal scheme, nor that there are no other less harmful solutions to the appellant's concerns in this respect.
15. I note the appellant's willingness to consider the application of a different colour to both the roller shutter housing and the shutter itself, as well as the possibility of replacing the shutter with a perforated shutter design. Whilst a perforated shutter design may slightly improve its appearance when closed, neither it nor the other measures set out by the appellant would wholly address the cumulative visual harm that I have noted above.

Accessibility

16. The repositioning of the previously heavily recessed doorway entrance to a position flush with the shopfront has introduced a not insignificant step up from forecourt level to internal floor level. Previously, the recess allowed a gradual incline from forecourt to internal floor level.
17. DLP Policy IN2 seeks to promote accessibility and improve access. It states that, amongst other things, for buildings to which the general public and employees have access to alterations to existing buildings will be expected to provide suitable access particularly for people with mobility issues. The alterations to the shopfront have resulted in a step that is inconsistent with the aims and objectives of DLP Policy IN2.
18. The appellant has indicated that reasonable adjustments could be made to the entrance, including a portable or fixed threshold ramp, a wider entrance door or clearer signage and circulation. The ramp that is shown on the photographs submitted with the application drawings show a very short, steep ramp to bridge

the difference in levels, whilst a longer and shallower ramp would project further into the forecourt area. It is not explained how a wider door or signage would address the accessibility issues arising from the difference in levels but, in any event, these would amount to material amendments to the scheme that were not before the Council in its determination of this matter.

19. The appeal scheme therefore fails to make appropriate provision for suitable and inclusive access to the premises, contrary to the aims and provisions of DLP Policy IN2.

Appeal B

Amenity

20. The fascia sign dominates the premises' frontage. The additional depth of the fascia panel, coming at the expense of the pleasing leaded top-lights of the previous shopfront, is jarring not just individually in the case of the appeal site, but particularly so in the immediate context of remaining, more traditional shopfronts and signage schemes elsewhere within the short parade.
21. Whilst it is accepted that there is a variety of signage schemes and, particularly, shopfront fascia signs, along the parade, the degree of illumination of those schemes is limited. It is only the lettering in the appeal scheme that would be illuminated by internal halo lighting, rather than the fascia box, but the illumination of both the lettering and the projecting signage box together appears harsh and stark.
22. The principle of advertising signage is not disputed, nor is the intention of the signage to draw attention. However, the fascia signage is poorly proportioned and although the appellant describes it as 'fitting cleanly within the existing shopfront frame' a comparison between photographs of the previous and current shopfronts reveals the visual cost that this has come with. As a consequence the fascia signage dominates the shop's façade whilst the combination of the illuminated lettering and projecting sign is unnecessarily harsh.
23. The refusal reason refers to Darlington Local Plan (DLP) Policy DC1 sets out the Council's approach to securing good design and the role that this plays in creating attractive and desirable places where people want to live, work and invest. To this end, it takes into consideration the context of the surrounding area and proposals should respond positively to, amongst other things, local context and in terms of scale, form and architectural detailing. As I have concluded that the proposal would harm amenity, it would also conflict with these policies insofar as they are material to matters of amenity, and with the guidance set out at paragraph 141 of the National Planning Policy Framework, which recognises that the character and quality of places can suffer when advertisements are poorly sited and designed.

Other Matters

24. The application was not refused by the Council on public safety grounds. The appellant cites public safety benefits arising from clear signage, particularly in darker hours and during the winter months. The appeal site does not lie within a poorly lit area, and is within a commercial context with street lighting nearby. I am not persuaded that any benefits that the appellant claims may arise from clear signage schemes would be any more than limited, and would not therefore be

sufficient to justify the harm that otherwise occurs as a consequence of the illuminated signage scheme.

Conclusion

25. For the reasons set out, and having considered all other matters raised, I conclude that Appeal A and Appeal B should both be dismissed.

G Robbie

INSPECTOR